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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,907	07/08/2003	Donald C. Albin JR.	LEAR 03925 PUS	7932
34007	7590	06/28/2005	EXAMINER	
BROOKS KUSHMAN P.C. / LEAR CORPORATION			SAN MARTIN, EDGARDO	
1000 TOWN CENTER			ART UNIT	
TWENTY-SECOND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			2837	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,907

Applicant(s)

ALBIN, DONALD C.

Examiner

Edgardo San Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/8/03; 1/28/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 5 - 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Patrick (US 5,892,187).

With respect to claim 1, Patrick teaches a sound insulation system for use within a vehicle, the sound insulation system comprising a layer of fibrous padding material (Fig.1, Item 10) having a first surface and an opposite second surface, the first surface including multiple spaced apart recesses, the second surface having a substantially flat surface portion that extends over two adjacent recesses of the first surface; wherein the recesses of the first surface are configured to define multiple voids (Fig.1, Item 16) when the sound insulation system is mounted in the vehicle, thereby enhancing acoustical performance of the sound insulation system (Figs.1 and 2; Col.3, Line 17 – Col.7, Line 11).

With respect to claims 5 – 9, the Examiner considers that Patrick teaches the limitations described in the claims (Figs. 1 and 2; Col.3, Lines 17 – 35 and Line 46 – Col.4, Line 13).

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2. Claims 11, 13, 14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bainbridge et al. (US 5,766,395).

With respect to claim 11, Bainbridge et al. teach a method of forming a sound insulation system for use within the interior of a vehicle, the method comprising positioning a layer of fibrous padding material (Fig. 2, Item 14) having a first surface and an opposite second surface between first and second mold sections of a mold (Fig.3), the first mold section including a first mold surface having multiple spaced apart projections; and compressing the layer of fibrous padding material between the mold sections (Fig.4) such that the first mold surface forms multiple spaced apart recesses in the first surface of the layer of fibrous padding material; wherein the recesses are configured to define multiple voids when the sound insulation system is installed in the vehicle (Fig.2)(Col.3, Line 26 – Col.8, Line 33).

With respect to claims 13, 14, 17 and 18, the Examiner considers that Bainbridge et al. teach the limitations described in the claims (Col.3, Line 26 – Col.8, Line 33).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 – 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick (US 5,892,187) in view of Boyles (US 6,534,145).

Patrick teaches the limitations discussed in a previous rejection, but fail to disclose wherein the layer of fibrous padding material includes multiple generally vertically oriented fibers, or wherein the layer of fibrous padding material includes multiple vertically lapped folds.

On the other hand, Boyles teaches a fibrous padding material including multiple generally vertically oriented fibers, and multiple vertically lapped folds; wherein the fibrous padding material could be used in different automotive applications (Figs.1 - 4; Col.1, Line 54 – Col.3, Line 7, and Col.3, line 66 –Col.4, Line 60).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Boyles fibrous padding material with the Patrick configuration because the Boyles padding design would provide structural strength and vertical stability to the padding improving its resiliency and vertical compressibility characteristic. The padding would provide an efficient sound absorbing property in addition to a resilient characteristic when used towards a floor pan.

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4. Claims 12, 15, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bainbridge et al. (US 5,766,395) in view of Boyles (US 6,534,145).

Bainbridge et al. teaches the limitations discussed in a previous rejection, but fail to disclose wherein the layer of fibrous padding material includes multiple generally vertically oriented fibers, or wherein the layer of fibrous padding material includes multiple vertically lapped folds.

On the other hand, Boyles teaches a fibrous padding material including multiple generally vertically oriented fibers, and multiple vertically lapped folds; and attaching a cover layer (Fig.5, Item 42) to the fibrous padding material (Figs.1 - 6; Col.1, Line 54 – Col.3, Line 7, and Col.3, line 66 –Col.5, Line 29).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Boyles fibrous padding material as the Bainbridge et al. fibrous padding because the Boyles padding design would provide structural strength and vertical stability to the padding improving its resiliency and vertical compressibility characteristic. The padding would provide an efficient sound absorbing property in addition to a resilient characteristic when used towards a floor pan.

### ***Conclusion***

5. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

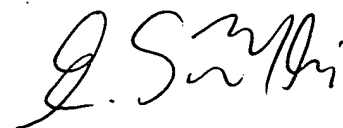
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***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martin  
Primary Examiner  
Art Unit 2837  
Class 181  
June 26, 2005